

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HUDSON CITY SAVINGS BANK,)	
individually and on behalf of a class of)	
similarly situated financial institutions,)	
)	
Plaintiff,)	Case No. 1:14-cv-3387-TWT
)	
v.)	
)	
THE HOME DEPOT, INC.,)	
)	
Defendant.)	
)	

NOTICE OF RELATED CASE

The JS44 Civil Cover Sheet requires the identification of related cases, if any, already pending in the Northern District of Georgia. Specifically, when a plaintiff files a complaint, the Cover Sheet requires the plaintiff to notify the court if the newly filed case involves the “same issue of fact *or arises out of the same event* or transaction included in an earlier numbered pending suit.” (Emphasis added); *see ALW Marketing Corp. v. Drunasky*, No. 1:91-CV-545-RLV, 1991 WL 345313 (N.D. Ga. Dec. 30, 1991) (finding cases related even though parties

differed).¹ More than “merely an administrative aid,” proper identification of earlier-numbered related cases is a key tool for fairness and judicial efficiency. *See JP Morgan Chase Bank, N.A. v. Sampson*, No. 1:10-cv-1666-JEC, 2012 WL 949698, at *1 n.3 (N.D. Ga. Mar. 20, 2012) (“By not notifying the Court [of a prior related case], plaintiff not only disregarded the directions, and made an inaccurate statement in its filing, but it has delayed resolution of this matter and created piecemeal litigation that has caused this Court to unnecessarily expend its scarcest resource: time.”).

When Plaintiff filed its Class Action Complaint in this matter, it identified *First Choice Federal Credit Union v. The Home Depot, Inc.*, No. 14-cv-2975 as a related case, when in fact it should have identified *Solak v. The Home Depot, Inc.*, No. 14-cv-02856, as a related case. *Solak* was the first filed Home Depot security breach case. The cases are related cases because they involve the same issues of fact and arise out of the same events or transactions, namely the alleged Home Depot security breach. *See Frazier v. Williams Fund Private Equity Grp.*, No. Civ. A. 1:06-CV-100-MH, 2006 WL 898178, *2 (N.D. Ga. Apr. 5, 2006) (citing N.D. Ga. IOP 905-2).

¹ Although the Court also found that the cases were related because they shared identical issues, arguments, and defenses, it did not hold that perfect identity is required. *See id.*

Moreover, Plaintiff's counsel has requested that the JPML consolidate a nearly identical financial institution class action case with the *Solak* case, noting, "Where, as here, pending cases bring forth claims against a common single Defendant and *are based on the same core factual allegations/events*, the Panel routinely has found common questions of fact." *In re The Home Depot, Inc. Customer Data Security Breach Litig.*, MDL No. 2583, Dkt. 66² at 4 (J.P.M.L. Oct. 10, 2014) (emphasis added). Defendant Home Depot U.S.A., Inc.³ therefore respectfully requests that the Clerk of the Court identify this case as related to *Solak v. The Home Depot, Inc.*, No. 14-cv-02856.

² Docket 66 is First Choice Federal Credit Union's Response in Support of Motion for Transfer of Actions to the Northern District of Georgia. First Choice Federal Credit Union is represented by some of the same plaintiffs' counsel representing Plaintiff in this matter.

³ The Complaint improperly names The Home Depot, Inc. as a defendant. The Home Depot, Inc. is not a retailer and therefore engaged in no transactions with Plaintiffs. Rather, The Home Depot, Inc. is the parent company of Home Depot U.S.A., Inc., which is a home improvement retailer.

Respectfully submitted this 31st day of October, 2014.

By: /s/ Cari K. Dawson

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CERTIFICATE OF COMPLIANCE

I hereby certify that this **NOTICE OF RELATED CASE** was prepared in Times New Roman 14 point font, double-spaced, with a top margin of not less of 1.5 inches and a left margin of not less than 1 inch.

Respectfully submitted, this 31st day of October, 2014.

By: /s/ Cari K. Dawson

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the within and foregoing **NOTICE OF RELATED CASE** with the Clerk of Court using the CM/ECF system and additionally served counsel for Plaintiff by depositing copy of same in the United States Mail in an envelope with adequate postage affixed thereon, properly addressed as follows:

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